



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 22 2016

REPLY TO THE ATTENTION OF  
WC-15J

**CERTIFIED MAIL 7009 1680 0000 7635 9412**  
**RETURN RECEIPT REQUESTED**

Greg L. Fraase, Wastewater Superintendent  
Springfield Metro Sanitary District  
3000 North Eighth Street  
Springfield, Illinois 62707

Re: POTW Pretreatment Program Compliance Evaluation  
Springfield Metro Sanitary District, NPDES Permits No. IL0021989 and IL0021971

Dear Mr. Fraase:

The U.S. Environmental Protection Agency has received information that raises areas of concern regarding Springfield Metro Sanitary District's (SMSD) implementation of its Pretreatment Program under the Clean Water Act (CWA). SMSD is required by the terms of its National Pollutant Discharge Elimination System (NPDES) Permits No. IL0021989 and IL0021971 (the Permits) to implement and enforce its Pretreatment Program, as approved by EPA, to regulate the introduction of pollutants from non-domestic sources (i.e., industrial users) into SMSD's publicly-owned treatment works (POTW).

The EPA has completed a review of SMSD's 2013 POTW Pretreatment Annual Report (Annual Report) and the industrial user wastewater discharge permits (IU Permits) issued by SMSD. As a result of this review, EPA has identified several areas of concern that require SMSD's immediate attention:

1. Ensure proper categorical determinations and limits are included in permits.
2. Clarify and apply all applicable pretreatment standards to Associates Engineering Co.
3. Clarify and apply all applicable pretreatment standards to Solomon Colors Inc.
4. Clarify and apply all applicable pretreatment standards to StandardAero.
5. Failure to include bypass notification provisions in IU Permits.
6. Failure to include all local limits in IU Permits.
7. Failure to include 24-hour notification of violation/ 30-day resample requirement in IU Permits.
8. Failure to include monthly average limits in IU Permits.

9. Failure to include new or existing source classification in IU Permits.
10. Failure to adopt Streamlining Regulations.

These areas of concern are described in more detail in the attachment to this letter.

EPA is in the process of making a final determination as to whether SMSD is in compliance with the CWA, the pretreatment regulations, and the terms of SMSD's Permits. If EPA determines that SMSD is in compliance, then no further action will be required. However, if EPA makes a final determination that the District is in violation of the CWA, then EPA may use its authority under section 309 of the CWA, 33 United States Code Section 1319, to issue an administrative order requiring SMSD come into compliance and/or assessing a penalty for noncompliance.

EPA would like to consider any information that SMSD believes is relevant to making this determination or otherwise demonstrates that SMSD is in compliance. If you would like this information to be considered by EPA prior to EPA making a final determination, please provide such information within 30 days of receipt of this letter to Newton Ellens, at the address below:

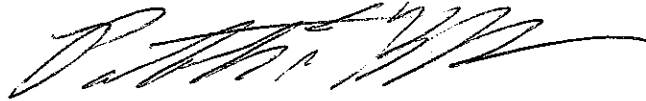
Newton Ellens  
Pretreatment Program Manager  
U.S. Environmental Protection Agency (WC-15J)  
77 West Jackson Boulevard  
Chicago, IL 60604

Please note that the voluntary submission of this information does not preclude EPA's authority to issue a request for information to SMSD pursuant to section 308 of the CWA, 33 U.S.C. § 1318.

Finally, EPA is offering SMSD the opportunity to request a conference to discuss these areas of concern before EPA makes a final determination. This conference will provide SMSD with an opportunity to present additional information to demonstrate SMSD's compliance with the CWA, including any efforts SMSD has taken to address these areas of concern and the steps SMSD will take to prevent these issues from recurring in the future. Please plan for SMSD's technical and management personnel to take part in these discussions. SMSD may be represented by an attorney at this conference.

The EPA contact in this matter is Newton Ellens. You may call him at (312) 353-5562 to request a conference. Any such request should be made within 10 calendar days following receipt of this letter, with any conference to be held within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. F. Kuefler', with a long horizontal flourish extending to the right.

Patrick F. Kuefler, Chief  
Water Enforcement and Compliance Assurance Branch  
Water Division

Enclosure

cc: Roger Callaway, Illinois EPA (via e-mail)

**CWA PRETREATMENT PROGRAM COMPLIANCE EVALUATION  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**POTW:** Springfield Metro Sanitary District  
Springfield, Illinois

**Facilities:** Spring Creek Plant                      Sugar Creek Plant  
3000 N. 8<sup>th</sup> St. Rd.                      3300 Mechanicsburg Rd.  
Springfield, Illinois                      Springfield, Illinois

**NPDES Permits:** No. IL0021989                      No. IL0021971

**Purpose:** POTW Pretreatment Program Compliance Evaluation

**AREAS OF CONCERN**

**1. Ensure proper categorical determination and limits are included in permits.**

SMSD issued Industrial User (IU) Permit No. 07-NC-002 to Aramark Services, Inc. on August 13, 2014, and Permit No. 09-NC-010 Solomon Colors Inc., on August 19, 2014. Both permits reference 40 C.F.R. § 413, the electroplating point source categorical standards. However, neither of these companies seem to employ process that would subject them to such standards.

Under 40 C.F.R. § 403.8(f)(1)(iii)(B)(3), IU Permits are required to include effluent limits based on the applicable Categorical Pretreatment Standards. Please explain the rationale supporting SMSD's decision to include the reference to 40 C.F.R. § 413 in the permits for Aramark Services, Inc. and Solomon Colors, Inc.

**2. Clarify and apply all applicable pretreatment standards to Associates Engineering Co.**

SMSD issued IU Permit No. 06-C-003 to Associates Engineering Co. on May 25, 2011. IU Permit No. 06-C-003 contains a mass base limit for copper. All other limits are concentration based. The mass based copper limit in IU Permit No. 06-C-003 is less stringent than the pretreatment standard under 40 C.F.R. § 433.17.

Under 40 C.F.R. § 403.8(f)(1)(iii)(B)(3), IU Permits are required to include effluent limits based on the applicable Categorical Pretreatment Standards. Please explain the rationale supporting SMSD's determination that a mass base limit for copper is appropriate for Associates Engineering Co. Please clarify whether Associates Engineering Co. is a new source or an existing source based on Associates Engineering Co.'s initial construction date and correct IU Permit No. 06-C-003 to reflect the applicable Categorical Pretreatment Standards.

**3. Clarify and apply all applicable pretreatment standards to Solomon Colors Inc.**

SMSD issued IU Permit No. 06-C-010 to Solomon Colors Inc. on August 19, 2014. IU Permit No. 06-C-010 contains the upset notification provision and requirements for an "accidental color

discharge.” Under 40 C.F.R. § 403.8(f)(1)(iii)(B)(4), IU permits must include notification requirements. The upset language in the Solomon Colors Inc. Permit limits the notification requirement to “color” discharges only, this is not consistent with the upset notification requirements under 40 C.F.R. § 403.16(c)(3).

Additionally, IU Permit No. 06-C-010 lacks penalty language and the non-transferability clause. Under 40 C.F.R. § 403.8(f)(1)(iii)(B)(2), SMSD must include a statement of nontransferability in its IU permits. Under 40 C.F.R. § 403.8(f)(1)(iii)(B)(5), IU permits must include a statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements. SMSD must amend its Solomon Colors Inc.’s IU permit to include these notification requirements.

**4. Clarify and apply applicable pretreatment standards for StandardAero.**

SMSD issued Permit No. 06-C-009 to StandardAero on June 22, 2011. StandardAero’s permit states that it is a “No Discharge Permit” and that StandardAero is subject to the pretreatment standards under 40 C.F.R. § 433, Subpart A. IU Permit No. 06-C-009 contains compliance monitoring requirements and cites a sampling point. These statements create ambiguity as to whether StandardAero is a zero discharge facility or not.

Under 40 C.F.R. § 403.8(f)(1)(iii)(B)(4), IU Permits issued by SMSD are required to include self-monitoring and sampling provisions. Permit No. 06-C-009 should be adjusted to clarify the zero discharge requirement. If StandardAero is a zero discharge facility, it is recommended that IU Permit No. 06-C-009 include an semi-annual zero discharge certification requirement in lieu of the semi-annual report required under 40 C.F.R. § 403.12(e).

**5. Failure to include bypass notification provisions in IU Permits.**

Under 40 C.F.R. § 403.8(f)(1)(iii)(B)(4), IU permits must include notification requirements. The IU Permits issued by SMSD do not contain bypass notification provisions as required under 40 C.F.R. § 403.17(c).

SMSD must amend its IU Permits to include the bypass provisions.

**6. Failure to include all local limits in IU permits.**

Under 403.8(f)(1)(iii)(B)(3) IU permits must contain “Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law.” SMSD’s IU Permits do not contain all local limits as required by the above citation. If SMSD believes that there is no reasonable expectation that a pollutant will be present in an IU’s discharge, then SMSD must have documentation supporting the decision to omit the parameter from the monitoring and reporting requirements of the permit. However, the IU permit must still contain a list of all the local limits.

Please clarify SMSD’s rationale for omitting local limits from IU permits. If supporting documentation is not available to support the decision to omit local limits from monitoring and reporting requirements, SMSD must amend the IU permits to include these requirements. If

supporting documentation is available and SMSD maintains the assessment that there is no reasonable expectation for a local limit pollutant to be present in an IU's discharge, please amend IU permits to contain a list of all local limits and a description of SMSD's assessment.

7. **Failure to include 24-hour notification of violation/ 30-day resample requirement in IU permits.**

Under 40 C.F.R. § 403.12(g)(2), IU Permits issued by a Control Authority must include a 24-hour resample/30-day reporting requirement in the case of effluent violations identified through IU monitoring. SMSD has issued IU Permits that indicate that SMSD will conduct the required compliance monitoring and resample if the sampling results in a violation. However, the IU Permits do not require the IU to report sampling results if the IU chooses to conduct additional self-monitoring beyond that required by the permit [under 40 C.F.R. § 403.12(g)(6)], nor do the IU Permits require the IU to resample if such self-monitoring results in an effluent violation.

Please revise the IU Permits to include the requirement to resample and report effluent violations identified through additional IU self-monitoring activities as required by 40 C.F.R. § 403.12(g)(2) and (6).

8. **Failure to include monthly average limits in IU Permits.**

SMSD has issued three IU Permits to Categorical Industrial Users (CIUs) subject to the Metal Finishing Point Source Category, 40 C.F.R. § 433:

- Henry Technologies, Inc., IU Permit No. 06-C-001
- Associates Engraving Co., Inc., IU Permit No. 06-C-003
- StandardAero, IU Permit No. 06-C-009

Permits No. 06-C-001, 06-C-003, and 06-C-009 do not include monthly average limits based on the Pretreatment Standards for New or Existing Sources under the Metal Finishing Point Source Category. IU Permits issued by SMSD for the above CIUs must include effluent limits for these pollutant parameters based on the monthly average limits specified in Categorical Pretreatment Standards at 40 C.F.R. Part 433.

9. **Failure to include new or existing source classification in IU Permits.**

SMSD has issued three IU Permits to Categorical Industrial Users (CIUs) subject to the Metal Finishing Point Source Category, 40 C.F.R. § 433:

- Henry Technologies, Inc., IU Permit No. 06-C-001
- Associates Engraving Co., Inc., IU Permit No. 06-C-003
- StandardAero, IU Permit No. 06-C-009

Permits No. 06-C-001, 06-C-003, and 06-C-009 do not include an IU classification as New or Existing Sources under the Metal Finishing Point Source Category. IU Permits issued by SMSD for the above CIUs must include a classification of either New or Existing Source as defined in Categorical Pretreatment Standards at 40 C.F.R. § 433.

**10. Failure to adopt Streamlining Regulations.**

Special Condition 9.A.7. of NPDES Permit No. IL0021989 and Special Condition 11.A.7. of NPDES Permit No. IL0021971 state:

“Unless already completed, the Permittee shall within six (6) months of the effective date of this Permit submit a proposal to USEPA and IEPA a proposal to modify and update its approved Pretreatment Program to incorporate Federal revisions to the general pretreatment regulations. The proposal shall include all changes to the approved program and the sewer use ordinance which are necessary to incorporate the revisions of the Pretreatment Streamlining Rule (which became effective on November 14, 2005) which are considered required changes, as described in the Pretreatment Streamlining Rule Fact Sheet 2.0: Required changes, available at: <http://cfpub.epa.gov/npdes/Whatsnew.cfm?program id=3>. This includes any necessary revisions to the Permittee's Enforcement Response Plan (ERP).”

NPDES Permit No. IL0021989 was effective on August 1, 2011. Therefore, SMSD was required to submit a proposal to incorporate streamlining regulations into its pretreatment program by February 1, 2012.